

Attorney Docket No. GP-304054

REMARKS

Claims 1-20 are pending in the application. A minor amendment has been made to claim 10 to correct an informality and overcome the objection to this claim. The amendment to claim 10 contained herein is of equivalent scope as originally filed and, thus, is not a narrowing amendment. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendment and remarks contained herein.

CLAIM OBJECTION

Claim 10 was objected because of an informality. The informality was corrected as suggested by the Examiner.

REJECTION UNDER 35 U.S.C. § 103

Claims 1-19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over IEEE International Symposium on Industrial Electronics, June 9-12, pp 1-6 as cited by Applicant (heretofore "the IEEE reference") in view of U.S. Pat. No. 6,617,822 (Kirkpatrick). This rejection is respectfully traversed.

Without conceding that the IEEE reference is combinable with Kirkpatrick, Applicants respectfully submit that the IEEE reference cannot be used as a prior art reference under 35 U.S.C. § 103(a) because it is not a prior art reference under any section of 35 U.S.C. § 102. In particular, the IEEE reference is not prior art under 35 U.S.C. § 102(a), because the authors, Welchko and Nagashima, of the IEEE reference are also co-inventors of the present application. Further, the IEEE reference is not prior art under 35 U.S.C. § 102(b), because it was not published more than a year prior to the filing date of the

Attorney Docket No. GP-304054

present application. Accordingly, reconsideration and withdrawal of the rejections of claims 1-19 is respectfully requested.

CLAIM 20

Claim 20 was neither rejected nor allowed in the Office Action. Applicants submit that in view of the record claim 20 is also patentable for the reasons discussed above in connection with claims 1-19.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested.

Attorney Docket No. GP-304054

If for some reason any fee needs to be paid or an extension of time is necessary for entry of this response, please consider this as a petition for such an extension and as authorization to charge any fees necessary to prevent this application from becoming abandoned to Deposit Account No. 07-0960.

Respectfully submitted,

Dated:

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